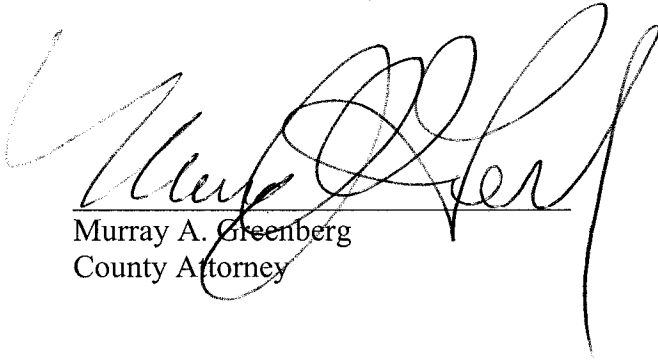


MEMORANDUM

Agenda Item No. 7(B)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	(Second Reading 11-01-05) DATE: September 8, 2005
FROM:	Murray A. Greenberg County Attorney	SUBJECT: Ordinance pertaining to Planning Advisory Board

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burge
County Manager

A handwritten signature in black ink, appearing to read "Burge", written over the printed name of George M. Burge.

Subject: Ordinance pertaining to Planning Advisory Board; amending sections 2-11-39.1, 2-107, 2-109, and 2-110 of the Code of Miami-Dade County, Florida, modifying quorum requirements and terms of memberships

This Ordinance pertaining to the Planning Advisory Board (PAB) does not have a fiscal impact on Miami-Dade County.

Implementation of this ordinance would modify quorum requirements and terms of membership for the PAB. Amendments include the expansion of the PAB from thirteen (13) appointed members to seventeen (17), and provides for the removal of members who miss two (2) consecutive meetings.

A handwritten signature in black ink, appearing to read "Bill Johnson", written over the printed name of Bill Johnson.

Assistant County Manager

fiscal08205



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 1, 2005

FROM:

Murray A. Greenberg
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
11-01-05

ORDINANCE NO. _____

ORDINANCE PERTAINING TO PLANNING ADVISORY BOARD; AMENDING SECTIONS 2-11-39.1, 2-107, 2-109, AND 2-110 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); MODIFYING QUORUM REQUIREMENTS AND TERMS OF MEMBERSHIP; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-11-39.1 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 2-11-39.1. Quorum.

Notwithstanding any other provision of the Code or of any resolution, a quorum for all County Boards shall consist of a majority of those persons duly appointed to the board, provided that at least one-half (1/2) of the full board membership has been appointed. It is expressly provided, however, that the quorum requirement for any board created or established pursuant to section 20-40 or section 33-306 of this Code (Community Council or Community Zoning Appeal Board) shall be four (4) members >>and that the quorum requirement for any board created or established pursuant to Section 2-107 of this Code (Planning Advisory Board) shall be six (6) members<<.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. Section 2-107 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 2-107. Planning Advisory Board--Established; composition; compensation of members.

A Planning Advisory Board is hereby established. This Board shall consist of ~~[[thirteen (13)]]~~ >>seventeen (17)<< members appointed by the County Commission. >>Each County Commissioner shall nominate one member. The Chair of the Board of County Commissioners shall nominate the remaining four (4) members, each of whom shall be a professional in architecture, landscape architecture, urban design, urban planning, real estate or a similar field.<< Members shall serve without compensation, but shall be entitled to be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission.

Section 3. Section 2-109 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 2-109. Same--Terms of office >>; vacancies<<.

>>(a)<<The terms of office of the members of the Planning Advisory Board shall end December 31, 1994 for members nominated by the County Commissioners representing Commission Districts 2, 4, 6, 8, 10 and 12 and shall end December 31, 1996 for members nominated by the County Commissioners representing Commission Districts 1, 3, 5, 7, 9, 11 and 13, with appointments thereafter for terms of four (4) years each. The membership of each appointee expires when the Commissioner who nominated that member leaves office. Each member shall hold office until his or her successor has been duly appointed and qualified. Any member of the Planning Advisory Board may be removed from office at any time by two-thirds vote of the County Commission.

>>(b) A member's position shall become vacant when:

- (1) The member is absent from two consecutive meetings, regardless of reason, provided that absences from emergency meetings or specially called meetings shall not count toward the attendance requirement;
- (2) The member's term expires; or
- (3) The member resigns or is removed.<<

Any vacancy occurring during the unexpired term of office of any member of the Planning Advisory Board shall be filled for the unexpired term by the County Commission within thirty (30) days after the vacancy occurs.

Section 4. Section 2-110 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 2-110. Same--Organization; meetings; quorum; rules; records of meetings.

* * *

All meetings of the Board shall be held in a public place and shall be open to the public. ~~[[Seven (7)]]~~ >>Six (6)<< members of the Board shall constitute a quorum, and, except as otherwise provided, decisions may be made by majority vote of the members present at a meeting at which a quorum is present. The Planning Advisory Board may prescribe other rules for the conduct of its affairs. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses in the manner prescribed for the attendance of witnesses in the County Court. The Planning Advisory Board shall keep minutes of its proceedings and records of its other official actions, showing the vote of each member on each question. If a member is absent or fails to vote, the record shall indicate such fact. All records shall be filed immediately in the Department of Planning and Zoning office and shall be open to the inspection of the public.

* * *



Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Sponsored by Commissioner Sally A. Heyman